



General Assembly

February Session, 2002

**Amendment**

LCO No. 3378

\*SB0007803378HR0\*

Offered by:

REP. BERNHARD, 136<sup>th</sup> Dist.  
REP. LAWLOR, 99<sup>th</sup> Dist.  
REP. MCCLUSKEY, 20<sup>th</sup> Dist.  
REP. THOMPSON, 13<sup>th</sup> Dist.  
REP. MEGNA, 97<sup>th</sup> Dist.  
REP. MALONE, 47<sup>th</sup> Dist.  
REP. GERAGOSIAN, 25<sup>th</sup> Dist.  
REP. URBAN, 43<sup>rd</sup> Dist.

REP. FLOREN, 149<sup>th</sup> Dist.  
SEN. PETERS, 20<sup>th</sup> Dist.  
SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. CIOTTO, 9<sup>th</sup> Dist.  
SEN. SMITH, 14<sup>th</sup> Dist.  
SEN. DAILY, 33<sup>rd</sup> Dist.  
SEN. FONFARA, 1<sup>st</sup> Dist.

To: Subst. Senate Bill No. 78

File No. 189

Cal. No. 308

**"AN ACT CONCERNING COMPANION ANIMAL HEALTH  
CERTIFICATES."**

1 After line 20, insert the following:

2 "Sec. 2. Section 53-247 of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) (1) Any person who overdrives, drives when overloaded,  
5 overworks, tortures, deprives of necessary sustenance, mutilates or  
6 cruelly beats or kills or unjustifiably injures any animal, or who,  
7 having impounded or confined any animal, fails to give such animal  
8 proper care or neglects to cage or restrain any such animal from doing  
9 injury to itself or to another animal or fails to supply any such animal

10 with wholesome air, food and water, or unjustifiably administers any  
11 poisonous or noxious drug or substance to any domestic animal or  
12 unjustifiably exposes any such drug or substance, with intent that the  
13 same shall be taken by an animal, or causes it to be done, or, having  
14 charge or custody of any animal, inflicts cruelty upon it or fails to  
15 provide it with proper food, proper drink or [protection] proper  
16 shelter from the weather or abandons it or carries it or causes it to be  
17 carried in a cruel manner, or fights with or baits, harasses or worries  
18 any animal for the purpose of making it perform for amusement,  
19 diversion or exhibition, shall be fined not more than one thousand  
20 dollars or imprisoned not more than one year or both.

21 (2) For the purposes of subdivision (1) of this subsection, "proper  
22 shelter" with respect to a dog shall be determined by consideration of  
23 all the surrounding circumstances including, but not limited to, (A)  
24 weather conditions such as temperature, moisture, wind velocity,  
25 wind chill and humidity at the time and place of the alleged violation,  
26 (B) the physical condition and special needs of the dog at the time and  
27 place of the alleged violation, and (C) whether, at the time of the  
28 alleged violation, the dog was outside for a limited period of time for  
29 purposes of evacuating or exercising. If circumstances require that an  
30 outdoor housing facility be made available for the use of the dog, such  
31 facility shall be insulated and impervious to moisture and, if  
32 conditions require it to prevent stress, discomfort or danger to the dog,  
33 it shall contain dry bedding material. An outdoor housing facility shall  
34 be available when the dog is kept outside for more than thirty minutes  
35 and the ambient temperature is below forty degrees Fahrenheit unless  
36 such dog belongs to a breed of dog generally known to be tolerant of  
37 cold weather without obvious stress or discomfort.

38 (b) Any person who maliciously and intentionally maims, mutilates,  
39 tortures, wounds or kills an animal shall be fined not more than five  
40 thousand dollars or imprisoned not more than five years or both. The  
41 provisions of this subsection shall not apply to any licensed  
42 veterinarian while following accepted standards of practice of the  
43 profession or to any person while following approved methods of

slaughter under section 22-272a, while performing medical research as an employee of, student in or person associated with any hospital, educational institution or laboratory, while following generally accepted agricultural practices or while lawfully engaged in the taking of wildlife.

(c) Any person who knowingly (1) owns, possesses, keeps or trains an animal engaged in an exhibition of fighting for amusement or gain, (2) possesses, keeps or trains an animal with the intent that it be engaged in an exhibition of fighting for amusement or gain, (3) permits an act described in subdivision (1) or (2) of this subsection to take place on premises under [his] such person's control, (4) acts as judge or spectator at an exhibition of animal fighting for amusement or gain, or (5) bets or wagers on the outcome of an exhibition of animal fighting for amusement or gain, shall be fined not more than five thousand dollars or imprisoned not more than five years or both.

(d) Any person who intentionally kills any animal while such animal is in the performance of its duties under the supervision of a peace officer, as defined in section 53a-3, as amended, shall be fined not more than five thousand dollars or imprisoned not more than five years or both.

Sec. 3. (NEW) (*Effective October 1, 2002*) (a) (1) Any person who keeps a dog chained or tethered or keeps a dog confined in a pen, cage, container or other indoor or outdoor housing facility for more than fifteen continuous hours or who fails to provide a minimum of two hours during any twenty-four-hour period during which a dog is not tethered and not confined in such a pen, cage, container or other housing facility, shall be given a warning for a first violation and be fined one hundred dollars for any subsequent violation.

(2) No person may chain or tether a dog that is housed primarily outside unless such chain or tether (A) weighs not more than one-tenth of such dog's body weight, (B) is at least twelve feet in length or five times the length of the dog measured from the tip of the snout to the

76 end of the tail, whichever is longer, (C) has swivels on both ends, and  
77 (D) is attached to a properly fitting collar or harness worn by the dog.  
78 If a dog is tethered by means of a cable attached to a pulley or trolley,  
79 the cable shall be at least ten feet in length and the pulley or trolley  
80 shall be mounted not more than seven feet above the ground. Any  
81 person who violates the provisions of this subdivision shall be given a  
82 warning for a first violation and be fined one hundred dollars for any  
83 subsequent violation.

84 (3) The provisions of subdivision (1) of this subsection shall not  
85 apply: (A) If such tethering or confinement is authorized for medical  
86 reasons by a veterinarian licensed pursuant to chapter 384 of the  
87 general statutes, after examination of such dog, provided such  
88 authorization is in writing, includes the medical reasons for such  
89 tethering or confinement and is for a period not to exceed thirty days,  
90 except that such authorization may be renewed for additional periods  
91 not to exceed thirty days; (B) if such tethering or confinement is  
92 authorized by an animal control officer for reasons of public safety,  
93 provided such animal control officer states such reasons in writing and  
94 makes provision for an opportunity for regular exercise for such dog;  
95 (C) to a commercial boarding kennel, pet shop, municipal or other  
96 governmental control facility, charitable organization that houses  
97 homeless animals, training facility or grooming facility licensed in  
98 accordance with section 22a-342 of the general statutes; and (D) to a  
99 person or business organization licensed in accordance with chapter  
100 226 of the general statutes to conduct dog racing.

101 (4) In any prosecution for a violation of subdivision (1) of this  
102 subsection, it shall be an affirmative defense that the act or omission  
103 forming the basis of the violation was not the usual and customary  
104 conduct of such person.

105 (b) Any person who fails to keep a dog in estrus in a secured area  
106 that prevents a male dog from having access to such female dog, or  
107 who tethers a dog in estrus in a manner that prevents such female dog  
108 from defending herself from a male dog, except for controlled

109 breeding purposes authorized by the owner of such female dog, shall  
110 be given a warning for a first violation and be fined one hundred  
111 dollars for any subsequent violation.

112 (c) Nothing in this section shall be construed to preclude a finding  
113 of a violation of subdivision (1) of subsection (a) of section 53-247 of  
114 the general statutes, as amended by this act."